

WEATHER—FAIR; COLDER.

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10 PAGES

The



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GOFF DECIDES FOR MOLINEUX

Recorder Reverses Himself and Reinserts in Court Record Matter Objectionable to the Prosecution—Also Denies Osborne's Motion.

Weeks & Battle, counsel for Roland B. Molineux, won a decided victory today when Recorder Goff granted a motion to resettle the case for the Court of Appeals.

When the case was submitted to the Recorder last June by the then District Attorney, Asa Bird Gardiner, the Court objected to what was termed extraneous matter, consisting of side remarks made by the Assistant District Attorney and the Court during the progress of the trial. The Recorder struck out all of this matter.

Weeks & Battle objected and a week ago made a motion to reinstate the matter, arguing that the matter cut out would have an important bearing before the court of last resort. Now the Recorder says that the point is well taken and orders the matter reinstated.

Recorder Goff denied a motion made by Assistant District Attorney Osborne to strike out from the case the speech made by Mr. Weeks for the defense in summing up the case.

In his decision Recorder Goff reviews the various legal steps taken on both sides and then concludes to grant the request of defendant's counsel. "In view of the importance of the case, the urgency of defendant's counsel that everything in the case be placed before the Appellate Court, and also for the purpose of preventing delay and expediting the printing and completion of the case."

In disposing of the District Attorney's motion he says: "The District Attorney also made a motion for a resettlement, that the opening statement of the District Attorney and the closing arguments of counsel for the defense and the prosecution respectively be stricken from the case. For the reasons aforementioned and on request of defendant's counsel this motion is denied and the opening statement and closing arguments shall remain in the case."

In this decision Recorder Goff reverses himself.

M'ALPIN'S WIDOW GETS CITY HOME

Will of Tobacco King Filed—"Glen Alpin" to Son.

The will of D. H. McAlpin, the millionaire tobaccoist who died at his home, 46 West Fifty-eighth street, on Feb. 8, was filed today. The portion of his son, Edwin A. McAlpin, save the value of the estate is unknown.

The will is dated May 22, 1900. It sets forth that the testator's wife, Cordelia Rose McAlpin, was provided for by a marriage settlement executed before their marriage and dated Nov. 23, 1892. In addition he leaves her the residence, 46 West Fifty-eighth street, for life. On her death it goes to the stepdaughters, Frances Knox and Adelaide McAlpin Stiles. Mrs. McAlpin gets also \$15,000 a year for life.

Adelaide McAlpin Stiles, a daughter, is charged with \$200,000 as an advance on her share, being the value of the house No. 673 Fifth avenue and appurtenances already decided to her.

Charles W. McAlpin, a son, gets the country home, "Glen Alpin," near Morristown, N. J. David H. McAlpin, another son, gets a farm property at Litchfield, N. J.

Jane Benedict, a sister, gets \$1,000 a year for life.

The residue of the personal estate is to be divided, share and share alike, between the testator's six children. The residue of the real estate is to be held in trust for the two sons of Edwin A. McAlpin, grandsons of the testator.

The executors are Edwin A. McAlpin, George L. McAlpin, David H. McAlpin, Jr., and Charles W. McAlpin, sons.



ROLAND B. MOLINEUX.

SAW FEARFUL DEATH COMING.

Held by Cable in Subway, Workman Was Decapitated.

Tortured with the realization of an approaching horrible fate he could not avert, Thomas Robinson died today the victim of carelessness.

He was an ironworker, living at No. 109 East One Hundred and Seventh street. Together with George O'Neil, a fellow workman, he was employed in the subway of the Lexington avenue cable road, at Seventy-second street.

Robinson had put his head in the channel to do some detail work where the immense cable runs. Just then a car, coming without warning, lifted the cable. The man was pinned in and death was inevitable.

O'Neil had seen him put his head in the channel. He seized Robinson, shouting at the same time that the car was near, and tried to pull the man out of the way. Robinson writhed about in his terror, but he could not budge his head.

The grip struck the top of his head, tore off the scalp and higher portion of the skull.

An investigation was begun to find out why the workmen were not notified of the approach of the car.

George W. Brewster, of No. 67 East Eighty-fifth street, the gripman of the car, was arrested, as was Thomas Fitzgerald, of No. 414 East Seventy-seventh street, the foreman of the Seventy-second street working gang.

MAYOR SPIKES A BALDWIN CUN.

Intimates He Will Veto a Bill Affecting Chairman of the Fifteen.

A delegation of the Atlantic Avenue Improvement Association, Brooklyn, appeared before the Mayor this afternoon to argue in favor of the bill providing for the depression of the tracks of the Long Island Railway in Atlantic avenue from the Flatbush avenue depot to Atkins avenue, East New York, the City to pay \$1,500,000 of the expense.

Aldermen Wafer, Bridges and Kenny opposed the bill.

Rudolph Reimer, of No. 124 Williams avenue, urging the bill, quoted President Baldwin, of the Long Island Railway, to the effect that his Company didn't want the bill to pass; didn't want to depress their tracks; didn't want the city's \$1,500,000.

"Did Mr. Baldwin say that?" the Mayor asked. "Then you tell him the next time he says anything like that he's bluffing."

Mr. Baldwin is Chairman of the Committee of Fifteen. If the tracks are sunk according to the plan of the construction of the Manhattan-Brooklyn Rapid Transit extension the tunnel when completed would find the Long Island Railroad an outlet all ready for them—or rather that the Rapid Transit tunnel road would be a natural feeder to Mr. Baldwin's road.

The Mayor intimated that he would veto the scheme.

Vice-Chancellor Pitney, in Jersey City, today granted \$50 counsel fees and \$10 a week alimony to Mrs. Thomas Leonhardt, wife of Rev. Thomas Leonhardt, of the New York City Mission.

The clergyman's wife is suing him for divorce for alleged desertion. They live in New Jersey.

ANGRY COUNTESSES, RUSSIAN AMBASSADOR'S NIECE, CAUSES INAUGURAL ROW

CREW OF STRANDED VESSEL RESCUED BY LIFE-SAVERS.

MORPHEUS, Va., March 4.—The three-masted schooner General D. Morwin, bound from Boston to Norfolk, was stranded during the storm this morning about fifteen miles north of Cape Hatteras. Captain R. R. Ruge and her crew of seven were rescued by the U. S. S. Albatross. The vessel and her cargo will prove a total loss.

MORE FILIPINOS SWEAR ALLEGIANCE.

MANILA, March 4.—President Montenegro, leader of the insurgents, the island of Panay, with seven officers and five hundred men, surrendered to Gen. Barker of the Twenty-sixth Infantry today. Fifteen exiled rebel leaders and 500 soldiers took the oath of allegiance today, and 500 more promised soon to swear fealty.

ENGINE SPARK CAUSED BIG OIL FIRE.

DEAMONT, Tex., March 4.—The fire on the Great Oil Land near here, started by a spark from a locomotive this morning, destroyed ten cars belonging to the Southern Pacific Railway and a large boarding-house. Great excitement prevailed for some time, but no lives were reported lost.

RESULTS AT NEW ORLEANS.

FIFTH RACE—Johnny Mackay 1, Tom Davis 2, Alvin Brown 3.

WOMAN GETS IN ENGINE'S WAY.

She Is Hurled Aside and Is Dead When Picked Up.

Mrs. Mulick, of Gramercy, N. Y., forty-five years old, and the mother of a family, was instantly killed near her home this morning.

Mrs. Mulick was walking along the tracks of the Staten Island Railroad at Gramercy, when the 11:35 A. M. train from Totenville approached. The engineer blew his whistle, but the woman became confused, and instead of stepping aside placed herself directly in front of the engine. She was hurled many feet and picked up dead.

DEVERY AND YORK AT PEACE.

Murphy Has Them Shake Hands "For Good of Service."

First Deputy Police Commissioner Devery and Second Deputy York have shaken hands and ostensibly the hatred has been buried by them. But, although they have shaken hands, it was not a voluntary act on the part of Devery. In fact, Commissioner Murphy was compelled to send for him and practically insist that the outward manifestation of good-will be given "for the good of the service," probably.

It has not been decided whether Devery or York will have charge of the Borough of Queens. The probabilities are the latter will be chosen, leaving Devery in practical command of Manhattan, Richmond and the Bronx.

KITCHENER HAS DE WET LOCATED.

Boer General Headed Off by British Changes His Plans.

LONDON, March 4.—A despatch from Gen. Kitchener, dated Pretoria, March 3, says:

"De Wet was moving on Philippolis (Orange River Colony), but was headed off by our troops and is now marching on Paunzemith (about forty miles north of Philippolis)."

"Bastings has dug up a Krupp, a Pommor and some ammunition at Landfontein."

Sixteen men of the Victorian Rifles have captured thirty-three Boers and fifty horses at Sea Cow River.

Gen. Darnell has captured a Hotchkiss near Paterberg.

"Surrenders continue in that district. Over fifty men with a commandant came in March 3."

"This morning is hardly fit to be used as a stable."

"The room is hardly fit to be used as a room carpeted and some decent furniture put in for you and the will be your room. The school of instruction can be held somewhere else."



COUNTESS CASSINI.

SCHOONER RAN INTO STEAMER.

Perilous Ending of the Cameo's Eventful Voyage.

The American schooner Cameo, Capt. Colbeth, arrived today from St. Croix after a voyage of twenty-two days in which terrible northwest gales were encountered.

Capt. Colbeth reported that on Feb. 24 he sighted the British ship Ems from Port of Spain for New York, which signalled that she had been out since Jan. 18, and had terrible gales and heavy head seas.

On March 1 he fell in with the Nova Scotia bark Eva Lynn for New York. The captain of the bark said that she had sailed from St. Marie Jan. 6, and had very tempestuous weather. She had been north of St. Croix since Jan. 17, and the captain almost despaired of making his destination. The provisions had run out, and the Cameo supplied his wants.

This morning at 1 o'clock about sixteen miles north of Barnegat the Cameo was in collision with an unknown steamer. The steamer was rough and the breeze strong, and a slight haze prevailed. The steamer apparently a fast coastwise liner—ran off to the southward, leaving a part of her rail netting and several stanchions caught on the Cameo's masting. She never slackened her speed for a moment but proceeded without inquiry as to damage.

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WHITNEY BUYS ENGLISH RACERS.

Acquires Late Lord William Beresford's Interests.

LONDON, March 4.—William C. Whitney, of New York, has acquired the interests of the late Lord William Beresford in Star Shoot and other racing horses.

Mr. Whitney would not discuss the above category this afternoon. His secretary said that Lord Beresford's estate had not been settled yet, and that he was not in a position to say anything further than that if any such transaction had taken place it had been arranged in England.

Before he died Lord Beresford's racing stable was one of the most successful in England. He owned many high-class horses, among them Democritus, Jolly Tar, Sibola, Dominie II, and Star Shoot.

Star Shoot, a by Isinglass, out of Archery. He started eight times last year and won three races.

It is known that Mr. Whitney's agents have been negotiating with the Beresford estate for the purchase of the racing stable. He also was said to be after Volodyovski, the favorite for the Derby. Where racing services had been leased by Beresford.

The following small-pox cases from Brooklyn were reported today: Hannah Bakins, thirty-three years old, No. 122 Quince street; Mary Hermann, 23, No. 292 Quince street; Hilda Bennett, twenty-seven, No. 121 Palmetto street; James Duffy, forty, No. 104 Warren street; Eugene Mangin, seven months old, No. 10 Greenpoint avenue; Bertha Wadman, eight years old, No. 133 Green street; Viola Palmer, seven, No. 272 Bridge avenue; John Rafferty, six, and Louis Rafferty, one, same address.

In Manhattan were reported the cases of Lily Passerelli, two years, No. 219 First avenue; and Michael Perny, twelve years old, No. 3 Mulberry street.

Brother Island today: Arthur Smith, one year, No. 226 Second avenue; George King, one year old, and James K. King, two years old, No. 63 East Twenty-ninth street.

Countess Cassini, Provokes Big Row at the Inauguration of President McKinley.

Rain Interferes with the Ceremonies—Hundreds of Thousands of Sightseers Drenched.

(Special to The Evening World.) WASHINGTON, March 4.—Countess Cassini, adopted daughter of Count Cassini, the Russian Ambassador, has of late been talking. Denied the recognition she declares due her, she has caused a snarl in the diplomatic ranks that will have to be settled by the Secretary of State.

The Countess, who has caused so much worry at the White House during the social season by insisting on ranking several ladies of the diplomatic and official circles, finding that she would have to play second fiddle at the inaugural ceremonies, complained to the Count.

Count Cassini sided with her, and the question also being raised as to the precedence of the diplomatic corps over the Supreme Court Judges he declined to take part in the ceremonies at the Capitol.

The Countess, whose title was given her by the Czar so that she might hold the position she deems hers at Washington, further complicated the snarl by appearing in the Senate gallery while Vice-President Roosevelt took the oath. Her presence there while the Count was absent from the diplomatic group at the ceremonies was noted on all sides and whispered to the President.

President Annoyed. Precisely what the outcome will be is justly guessed at, but it is no secret that President McKinley is considerably annoyed to say the least.

The President had given way to the diplomats, and a diplomatic action is said entirely to the complaints of the Countess.

Added to this is the attitude assumed by Baron Fava, the Italian Ambassador, on the stand in front of the Capitol just before President McKinley took the oath today.

Rain began to fall, and the Baron, who was sitting in an exposed place, made his way to the pagoda reserved for President McKinley.

The President had not yet taken his place there.

The Sergeant-at-Arms of the Senate asked him to vacate, but this the Ambassador peremptorily refused to do.

"I have the rheumatism," he said, "and I cannot get wet."

To save an embarrassing diplomatic middle Lord Pauncefoot, the British Ambassador, who was standing bareheaded in the rain, moved under the heater and was quickly followed by Baron Hengemiller of Austria; Duke d'Arco, of Spain; Dr. Hollnacker of Germany; and M. Cambon, of France.

Held the Pagoda. The group of diplomats held the pagoda against all comers until President McKinley came down the passageway from the Senate, leaning on the arm of Chief Justice Fuller, of the United States Supreme Court, when they made way for the Chief Executive and stood with the rain dripping over their capes and ruining their magnificent uniforms, until the President had concluded.

Even Wu Ting Fang stood stolid and indifferent to the storm, while the price-less China silk and lace of his costume were irretrievably ruined by water.

This bunch of diplomatic entanglements will have to be settled by the Secretary of State and Ambassador Pauncefoot in solemn state later on.

THE PRESIDENT REVIEWS PARADE.

(Special to The Evening World.) WASHINGTON, March 4.—After the luncheon following the inaugural ceremonies President McKinley left the Capitol and joined the parade, riding in a carriage with Senator Hanna to the Executive mansion. Vice-President Roosevelt followed immediately after.

The band from Governor's Island broke out in inspiring strains, and the long lines took on animation and motion. At the head rode Major-General Francis V. Greene, grand marshal.

(Continued on Second Page.)